

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>WALTER SOROKA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>2:05-cv-01168</b>
<b>v.</b>	)	
	)	
	)	
<b>NATIONWIDE INSURANCE COMPANY,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER OF COURT**

AND NOW, this 29<sup>th</sup> day of December, 2005, upon consideration of DEFENDANT’S MOTION TO DISMISS PURSUANT TO F.R.C.P. RULE 12(b)(6) AND MOTION FOR MORE DEFINITE STATEMENT PURSUANT TO F.R.C.P. RULE 12(e) (Document No. 2-1); BRIEF IN SUPPORT OF DEFENDANT’S MOTION TO DISMISS PURSUANT TO F.R.C.P. RULE 12(b)(6) AND MOTION FOR MORE DEFINITE STATEMENT PURSUANT TO F.R.C.P. RULE 12(e) (Document No. 3); STATEMENT OF FACTS IN OPPOSITION TO DEFENDANT’S MOTION TO DISMISS PURSUANT TO RULE 12(B)(6) AND MOTION FOR MORE DEFINITE STATEMENT PURSUANT TO RULE 12(E) (Document No. 6-1), and BRIEF IN OPPOSITION TO DEFENDANT’S MOTION TO DISMISS PURSUANT TO RULE 12(B)(6) and MOTION FOR MORE DEFINITE STATEMENT PURSUANT TO RULE 12(E) (Document No. 7-1), and in view of the Court’s ruling of even date on Plaintiff’s Motion to Amend Caption, and recognizing the merits of Plaintiff’s Brief in Opposition, the extensive detail of Plaintiff’s state court complaint in conjunction with the notice pleading requirements of the Federal Rules of Civil Procedure and the long-term interaction of the parties regarding the

issues of this case, the Court **DENIES** Defendant's Motion to Dismiss in its entirety and rules that Defendant may re-raise the issues regarding the Unfair Trade Practice and Consumer Protection Law and 31 Pennsylvania Code 146.6 in an appropriate motion for summary judgment following completion of discovery in this case.

Further, Defendant shall file an answer to Plaintiff's Complaint on or before **January 10, 2006**.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Court Judge

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